

Borough Franchise (Ireland) Bill.

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Clause.

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A
B I L L

TO

Amend the Law relating to the Irish Parliamentary
Franchise in Boroughs.

A.D. 1883.

WHEREAS the people of Ireland are of ancient right entitled to enjoy the same franchises and privileges as are enjoyed by the people of England, and it is just and expedient to remove the inequalities at present existing in respect of the parliamentary franchise in the towns, cities, and boroughs of the two countries, and to extend to the towns, cities, and boroughs in Ireland the same electoral rights as exist in England :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may upon all occasions and for all purposes be cited as "The Borough Franchise (Ireland) Act, 1883."

Short title
of Act.

2. *From and after the first day of January next* the third clause of "The Representation of the People (Ireland) Act, 1868," shall be and the same is hereby repealed; and from and after the same day there shall also be repealed the fifth section of an Act passed in the fourteenth year of Her Majesty the now Queen, intituled "An Act to amend the laws which regulate the qualification and registration of parliamentary voters in Ireland, and to alter the law for making immediate lessors of premises to the poor rate in certain boroughs;" but such repeal shall not affect the validity of any register of voters which shall be in force on that day, and the same shall continue in full force and effect as if this Act had not been passed.

Repeal of
present occu-
pation fran-
chise.

3. In lieu and stead of the qualification mentioned in the clauses so repealed, the following provisions shall be in force from and after the said day :

New fran-
chise.
30 & 31 Vict.
c. 102, s. 3.

In addition to those now qualified by law to register and vote at any election of a Member or Members to serve in Parliament

[Bill 22.] A

A.D. 1883. — for any city, town, or borough in Ireland, either as freemen or burgesses, or by virtue of any qualification not requiring occupation, the following persons shall be qualified to be registered voters, and when registered to vote; that is to say,

Every person who is of full age and not subject to any legal incapacity:

And who is on the twentieth day of July in any year, and has during the whole of the preceding twelve calendar months been an inhabitant occupier as owner or tenant of any dwelling-house within the said city, town, or borough: 10

And has during the time of such occupation been rated as occupier in respect of the premises so occupied by him to all rates, if any, made for the relief of the poor in respect of such premises:

And has on or before the twentieth day of July in the same year paid all poor rates that have become payable by him in respect of the premises previously to the preceding first day of January: 15

Provided that no man shall under this section be entitled to be registered as a voter by reason of his being the joint occupier of any dwelling-house. 20

Occupier to
be rated.
32 & 33 Vict.
c. 41. s. 19.

4. In making out any poor rate after the passing of this Act, in respect of any premises situate wholly or in part within the parliamentary limits of any city, town, or borough returning a Member or Members to Parliament, the guardians of the poor, or other person or persons making out the said rate, shall enter in the occupier's column of the rate book the name of the occupier of every rateable hereditament, whether the rate is collected from or payable by the owner or occupier, and such occupier shall be deemed to be duly rated for purpose of the qualifications created by this Act; and if any clerk of the union, or other person actually charged with the making out of the rate, negligently or wilfully or without reasonable cause omits the name of any occupier of any rateable hereditament from the rate, or negligently or wilfully misstates any name therein, such clerk or other person shall, for every such omission or misstatement, be liable to a penalty not exceeding *two pounds*, to be recovered by civil bill before the chairman of the county at suit of the occupier of the premises in relation to which such omission or misstatement shall have taken place: Provided that any occupier whose name shall be so omitted shall, notwithstanding such omission, and that no claim to be rated has been made by him, be entitled to every qualification and franchise depending upon rating in the same manner as if his name had not been so omitted. 25 30 35 40

5. For the purposes of this Act all poor rates assessed upon any one in respect of any premises situated wholly or in part within the limits of any city, town, or borough returning a Member or Members to Parliament shall be deemed to be payable by the person who was or shall be the actual occupier of the premises at the time when such rates became or shall become payable, and may as to every such occupier be enforced as herein-after provided; but no rates accruing due in respect of any premises before the commencement of his occupation shall be deemed payable by such occupier.

A.D. 1833.
—
Poor rates deemed to be payable by actual occupier when rates made.

6. Whenever the immediate lessor of any premises is now by law liable to be rated and to pay the poor rate in respect of such premises, such liability shall continue in full force and effect, anything herein contained to the contrary notwithstanding, and all such rates may be recovered from and enforced against him in the same manner as if this Act had not been passed.

Immediate lessor still liable.

7. When any owner who is liable to pay the poor rate in respect of any premises situate within any city, town, or borough returning a Member or Members to Parliament omits or neglects to pay before the first day of June any rate which became due before the first day of the preceding January, the occupier may pay the same and deduct the amount from the rent due or accruing due to the owner, and the receipt for such rate shall be a valid discharge of the rent to the extent of the rate so paid.

Where owners omit to pay rates the occupiers paying the same may deduct the amount from rent.
32 & 33 Vict.
c. 41. s. 3.

8. Every payment of a rate by the occupier, notwithstanding the amount thereof may be deducted from his rent as herein provided, and every payment of a rate by the owner, whether he is himself rated or is liable to pay the same or has agreed with the occupier to pay it, shall be deemed a payment of the rate by the occupier for the purpose of any qualification which as regards rating depends upon the payment of the poor rate.

Constructive payment of the rate.
32 & 33 Vict.
c. 41. s. 7.

9. Where any poor rate due previously to the first day of January in respect of any premises situate in any city, town, or borough returning a Member or Members to Parliament shall be unpaid on the first day of June following, the collector of poor rate or other person whose duty it is to collect such rate shall on or before the twentieth day of June, unless such rate has been previously paid, give or cause to be given to the occupier a demand note in the form in the schedule to this Act annexed. The demand note shall be deemed to be duly given if delivered to the occupier or lessee or with some person at the premises in respect of which the rate is payable. Any collector or other person who shall negligently or wilfully

Rate when unpaid to be demanded from occupiers.
30 & 31 Vict.
c. 102. s. 28.

A.D. 1883. omit to give such demand note shall be deemed guilty of a breach of duty in the execution of this Act.

Recovery of rates unpaid by the owner.
32 & 33 Vict. c. 41. s. 12.

10. Notwithstanding the owner shall be rated as immediate lessor of any premises or otherwise become liable for the poor rate assessed thereon the goods and chattels of the occupier shall be liable to 5 be distrained and sold for payment of such rates as may accrue during his occupation of the premises, subject to the following provisions:

No such distress shall be levied unless the demand authorised by the preceding section has been duly made upon the occupier, and 10 the occupier has failed to pay the same for a space of fourteen days after such demand.

No greater sum shall be raised by such distress than shall, at the time of making such distress, be actually due from the occupier for rent of the premises on which the distress is made. 15

The occupier shall be entitled to deduct the amount of rates for which the distress is made, and the amount of the costs of the distress from the rent due or accruing to the owner, and every such payment shall be a valid discharge of the rent to the extent of 20 the rate and expenses paid.

Every such distress shall, as between the owner liable to pay the rates and the occupier, be deemed to be caused and occasioned by the wrongful act and default of the owner, and such owner shall make good to the occupier any damage or loss which he shall sustain by reason of same. 25

Provisions as to registration to continue in force.

11. All the provisions of any statute which are now in force relating to the preparation and publishing of any lists of voters or persons claiming to vote in any city, town, or borough, or relating to the revision of such lists, or the service of objections or claims, or in anywise relating to the registration of voters in any city, 30 town, or borough, shall be and continue to be in full force and effect as if this Act had not been passed, save only that all such lists shall be prepared and revised, and all such proceedings had, as if the qualifications herein-before defined had been substituted for the qualifications enacted by the third section of "The Repre- 35 sentation of the People (Ireland) Act, 1868."

Supplemental lists of new voters of the next year to be made out.

12. And whereas it is expedient that opportunity should be given to persons for the first time entitled to the franchise under this Act of being placed on the register for the ensuing year:

Be it enacted that in every city, town, and borough returning a 40 Member or Members to Parliament, there shall be prepared, in manner herein-after mentioned, a supplemental list of voters for the

next ensuing year, and a special registration sessions for the purpose of revising such list shall be held in manner herein-after provided.

Such supplemental list of voters shall be prepared and revised in the manner herein-after prescribed; that is to say,

- 5 It shall be lawful for any person who on the twentieth day of July in this present year shall have occupied any dwelling-house in the said city, town, or borough rated in the then last rate for the relief of the poor at an amount not exceeding four pounds, to serve a notice of claim on the town clerk in the form contained in the
10 schedule to this Act annexed, on or before the first day of December next.

- The town clerk shall include the names of all persons so claiming in a list to be made out, signed, printed, and published in the same manner as the lists of claimants at any ordinary registration are
15 now required to be made out, signed, printed, and published, and all the provisions now in force as to any list of claimants at such ordinary registration, and the mode of dealing with same, and the making of objections to any claimant, and the publication of the lists of persons objected to, and the revising of the lists of claimants,
20 and all other provisions in anywise relating thereto, shall, unless where they are herein expressly altered, be applicable to the supplemental list of claimants under this Act, subject to the following special provisions :

- The list of claimants shall be published on or before the eighth
25 of December.

Notice of objection shall be given to the claimant and the town clerk on or before the twentieth of December.

The list of persons objected to shall be published on or before the twenty-second day of December.

- 30 No person shall be entitled to object to any claimant except a person whose name shall be on the registry of voters then in force, or on that to come into force for the then next ensuing year.

- It shall be a sufficient cause of objection to any claimant that the premises in respect of which he claims were on the twentieth
35 day of July rated at a value exceeding four pounds.

- No person shall be objected to on the ground that he had not been rated in respect of the dwelling-house out of which he claims to be qualified, but every person who on the twentieth day of July shall have been in occupation of such dwelling, and shall
40 have occupied same for twelve full calendar months immediately preceding, shall be deemed, with reference to the special registration herein provided, to be qualified under this Act, although he is not rated in respect of same.

A.D. 1893.

Special revisional supplemental lists.

13. The chairman or other person or persons whose duty it is to revise the lists of voters for any city, town, or borough shall hold a special registration sessions on some day in the month of January, of which not less than ten days notice shall be given, and shall at such special sessions proceed to revise the said supplemental list 5 of claimants in the same manner as lists of claimants at ordinary registrations are revised.

The list of claimants when so revised shall be signed by the chairman or other person or persons authorised to revise the same, and shall be handed by him or them to the clerk of the peace acting 10 for such said city, town, or borough, and such list shall be called the supplemental list of voters, and all persons whose names appear upon such list shall be entitled to vote at any election thereafter taking place, in the same manner and during the same period as if their names had appeared upon the list of voters revised at the 15 last ordinary registration for such city, town, or borough.

All the proceedings at such special registration shall be conducted in the same manner in all respects, and be subject to the same rules in respect of appeal and otherwise, as are provided by the statutes now in force in respect of the ordinary registration of voters for 20 any city, town, or borough.

Rating not necessary if no rate made before the passing of the Act for revision of 1874.
30 & 31 Vict.
c. 102, s. 8.

14. At any registration which shall take place for any city, town, or borough in or during the year one thousand eight hundred and eighty-three, it shall not be necessary for any person or owner to be qualified as a voter and entitled to be registered to have been 25 rated to any rate made before the passing of this Act, but it shall be sufficient if he actually occupies the dwelling-house at the time such rate was made, although another person was rated in respect of same.

Repeal of clause 14,
31 & 32 Vict.
c. 49.

15. *From and after the passing of this Act* the fourteenth section 30 of the Representation of the People (Ireland) Act shall be and the same is hereby repealed.

List of town clerk proof that claim is duly made.

16. At any registration, ordinary or special, held for any city, town, or borough after the passing of this Act the appearance of the name of any person upon any list of claimants published by the town clerk shall be taken as *prima facie* proof that the claim set 35 forth in such list was duly made by the claimant, and every claim purporting to be made on behalf of any person to be registered as a voter shall be deemed to be made by him or his authority unless and until such person shall disclaim the same. 40

Acts to be read with this Act.

17. This Act and the Representation of the People (Ireland) Act, 1868, and the herein-before recited Act of the fourteenth year of Her Majesty shall be read together as one Act.

SCHEDULES.

A.D. 1883.

SCHEDULE A.

FORM OF DEMAND OF RATES.

SIR,

- 5 I HEREBY demand from you payment of the sum of £
being the amount of poor rate due and payable in respect of the premises you
occupy since the [day on which rate becomes due].

- If you do not pay this amount to me or my office before the twentieth day of
July you will be deprived of your right to vote or be registered as a voter for
10 [name the city, town, or borough].

If your landlord is bound to pay this rate you are at liberty to pay it to me
and deduct the amount from your next payment of rent. My receipt must be
accepted by him as a discharge of so much of your rent.

(Signed) T.B.,

- 15 To A.B., Collector of Poor Rate.
Occupier of the premises [describe them].

SCHEDULE B.

FORM OF CLAIM.

SIR,

- 20 I HEREBY claim to have my name inserted on the supplemental list of
voters for the [city, town, or borough] for the ensuing year.

I do so as having on the twentieth of July last, and for twelve months pre-
viously, occupied a dwelling-house in the said situate at [describe
premises particularly by the number and street].

- 25 A.B.,
of [residence].

To the town clerk of